

Committee of the Whole Report

DATE: Tuesday, March 05, 2019

WARD: 4

**TITLE: SITE DEVELOPMENT FILE DA.15.077 AND
SITE DEVELOPMENT FILE DA.18.098
SHELL CANADA PRODUCTS AND
DEACUR WORTHINGTON
VICINITY OF LANGSTAFF ROAD AND DUFFERIN STREET**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Site Development Files DA.15.077 and DA.18.098 for the Subject Lands shown on Attachments 1 and 2, to permit the development of a Shell Canada gas bar, including an accessory convenience store and an eating establishment with drive-through (Starbucks) with vehicular access from the adjacent property to the west and to reconfigure the existing parking lot and access for the property to the west, as shown on Attachments 3 to 10.

Report Highlights

- The Owner is proposing a Shell Canada gas bar, accessory convenience store and an eating establishment with drive-through (Starbucks) with access from the property to the west. The parking lot and access for the property to the west is proposed to be reconfigured to facilitate the development.
- The Development Planning Department supports approval of the development as the gas bar use conforms to the Official Plan, is a permitted use in Zoning By-law 1-88 and is compatible with the existing and planned uses in the surrounding area, subject to the Recommendations in this report.
- The Owner must obtain approval from the Committee of Adjustment for the necessary exceptions to Zoning By-law 1-88 identified in Table 1 of this report to permit the development.

Recommendations

1. THAT Site Development File DA.15.077 (Shell Canada Products) BE DRAFT APPROVED SUBJECT TO THE FOLLOWING CONDITIONS to permit a gas bar, a convenience store, and 163 m² stand-alone eating establishment, with drive-through (Starbucks) as shown on Attachments 3 to 10:
 - a) That prior to the execution of the Site Plan Agreement for Site Development File DA.15.077 (Shell Canada):
 - i) the Development Planning Department shall approve the final site plan, building elevations, lighting plan, landscape plan, landscape cost estimate, building elevations, the final tree compensation, signage plans and arborist report;
 - ii) the Development Engineering Department shall approve the final site servicing and grading plan, storm water management report, traffic impact study, site photometric plan, site plan, site erosion and sediment control plan;
 - iii) the Owner shall satisfy all requirements of the Environmental Services Department, Waste Management Division, and the Environmental Services Department, Waste Management Division shall approve the final site plan for compliance with the City's Waste Collection Design Standard Policy;
 - iv) the Owner shall submit to the Regional Community Planning and Development Services Branch compensation in the form of a certified cheque made payable to the Regional Municipality of York totaling \$31,418.00 for trees identified for removal within York Region's right-of-way; and,
 - v) the Owner shall satisfy all requirements of the Ministry of Transportation;
 - b) that the Site Plan Agreement include the following clauses:
 - i) "The Owner shall pay, to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the Subject Lands, prior to issuance of a Building Permit, in accordance with Section 42 of the *Planning Act*. The Owner shall submit an appraisal of the Subject Lands prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment."

- ii) “The Owner agrees that waste collection services for the Development will be the responsibility of the Owner.”
 - iii) “The Owner shall pay to the City of Vaughan by way of certified cheque as cash-in-lieu for 21 additional replacement trees at a rate of \$550.00 per tree (total \$11,550.00) to the satisfaction of the Development Planning Department.”
 - c) That prior to the issuance of a Building Permit, the Owner agrees to pay all applicable Development Charges in accordance with the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board Development Charge By-laws at the time of the issuance of a Building Permit.
2. THAT Site Development File DA.18.098 (Deacur Worthington) BE DRAFT APPROVED SUBJECT TO THE FOLLOWING CONDITIONS to reconfigure the existing access and parking lot on the lands (Deacur Worthington office building), as shown on Attachments 3 and 5:
- a) That prior to the execution of the Site Plan Agreement:
 - i) the Development Planning Department shall approve the final site plan, lighting plan, signage plan, landscape plan, landscape cost estimate, final tree compensation and arborist report;
 - ii) the Development Engineering Department shall approve the final site servicing and grading plan, storm water management report, traffic impact study, site photometric plan, site plan, site erosion and sediment control plan;
 - iii) the Owner shall satisfy all requirements of the Toronto and Region Conservation Authority (“TRCA”) and obtain approval of a Water Balance Analysis which addresses the Wellhead Protection Area-Q2 (“WHPA-Q2”) requirements to the satisfaction of TRCA;
 - b) that the Site Plan Agreement include the following clauses:
 - i) “The Owner shall pay to the City of Vaughan by way of certified cheque as cash-in-lieu for 7 additional replacement trees at a rate of \$550.00 per tree (total \$3,850.00) to the satisfaction of the Development Planning Department.”

3. THAT prior to the execution of the Site Plan Agreements for Site Development Files DA.15.077 (Shell Canada) and DA.18.098 (Deacur Worthington) the following conditions must be satisfied:
- a) each Owner shall pay the Development Engineering Site Plan fee pursuant to the Fees and Charges By-law as amended. If the fees are not paid in the calendar year in which it is calculated, the fee will be subject to any increase in the next calendar year;
 - b) a Development Agreement(s) shall be executed to the satisfaction of the Development Engineering Department;
 - c) each Owner shall prepare and register a reference plan for the creation of all proposed servicing and access easements for the development and provide proof of the mutual servicing agreement to the satisfaction of the Development Engineering Department;
 - d) each Owner shall successfully obtain approval of Minor Variance Applications for the required site-specific zoning exceptions to Zoning By-law 1-88, as identified in Table 1 and 2 of this report, from the Committee of Adjustment. The Committee's decisions for the Consent applications shall be final and binding, and the Owners shall satisfy any conditions of approval imposed by the Committee;
 - e) each Owner shall successfully obtain approval of the necessary Consent Applications to create the driveway and servicing easements from the Committee of Adjustment. The Committee's decisions for the Consent Applications shall be final and binding, and the Owners shall satisfy any conditions of approval imposed by the Committee; and,
 - f) each Owner shall satisfy all requirements and obtain all necessary approvals from York Region.

Background

The subject lands (the 'Subject Lands') are located on the southwest corner of Langstaff Road and Dufferin Street, municipally known as 8470 and 8484 Dufferin Street and 1531 Langstaff Road, as shown on Attachments 1 and 2. The surrounding land uses are shown on Attachment 2.

Site Development Applications have been submitted to permit the Development

The Owner has submitted the following Site Development Applications (the 'Applications') on the Subject Lands shown on Attachments 1 and 2 to permit the proposed development (the 'Development').

1. Site Development File DA.15.077 to permit a Shell Canada gas bar, 168 m² accessory convenience store, and 163 m² eating establishment with drive-through (Starbucks) that accommodates 9 cars, and a total of 21 parking spaces as shown on Attachments 3 to 10; and
2. Site Development File DA.18.098 (Deacur Worthington), to reconfigure the existing driveway, access and parking lot on the Deacur Worthington lands, as shown on Attachments 3 and 5.

Previous Reports/Authority

Not applicable.

Analysis and Options

The Development conforms to the policies of Vaughan Official Plan 2010 (“VOP 2010”)

The Subject Lands are designated “Prestige Employment” by VOP 2010, which permits a wide range of employment uses including gas stations. Gas stations are permitted subject to Policies 5.2.3.12 and 9.2.3.9 of VOP 2010 which states the following (in part):

- “5.2.3.12 a. New Gas Stations are not permitted in Regional Intensification Corridors, Regional Intensification Corridors within Employment Areas, the Vaughan Metropolitan Centre and in Primary and Local Centres abutting Regional Road 7, Bathurst Street and Yonge Street, as shown on Schedule 1 – Urban Structure, or in Heritage Conservation Districts, as shown on Schedule 14-B - Areas Subject to Area Specific Plans.
- e. With respect to areas other than those cited in paragraph “a” above, the following policies shall apply:
- i. Gas Stations shall be located on an arterial street as indicated on Schedule 9;
 - iii. Where two Gas Stations are permitted at an intersection, then such Gas Stations shall preferably be located in the diagonally opposite quadrants of the intersection.
- f. The type of accessory and/or ancillary services, as permitted in accordance with Section 9.2.3.9.a. of this Plan, will be implemented through the zoning by-law.”

- “9.2.3.9 a. Gas Stations are facilities primarily for the sale of gasoline and other fuels. They are characterized by covered vehicle fuel dispensing facilities and may include ancillary or accessory uses thereto including an associated accessory retail component. Car wash and drive-through facilities are permitted as accessory parts of Gas Stations. Automobile repair and service facilities are only permitted as part of Gas Stations if located in an Employment Area.
- b. Extensive landscaping and buffering shall be provided along public street frontages and along property lines.
 - c. Where a Gas Station contains a retail building greater than 100 square metres, the retail building will be situated in an appropriate location that ensures an attractive streetscape, with convenient and safe pedestrian connection(s) between the building and public street.
 - e. Where a proposed Gas Station contains a drive-through facility, the drive-through will be assessed with respect to setbacks, landscaping, fencing, lighting and noise mitigation measures (if required) to ensure compatibility with any adjacent sensitive uses and the effect on streetscapes.
 - f. Surface parking shall be setback from any property line by a minimum of three metres and appropriately screened by landscaping.”

The Subject Lands are located within an Employment area abutting two major arterial roads (Langstaff Road and Dufferin Street) with no other gas stations located at this intersection. Landscaping along the Dufferin Street and Langstaff Road property lines is proposed to buffer the proposed development and the convenience accessory store and drive-through are located appropriately on the Subject Lands to achieve capability with the adjacent uses. The Development conforms to VOP 2010.

Amendments to Zoning By-law 1-88 are required to permit the Development

The Subject Lands are zoned “C7 Service Commercial Zone” (Shell Canada) and “C1 Restricted Commercial Zone” (Deacur Worthington) by Zoning By-law 1-88, as shown on Attachments 2 and subject to site-specific Zoning Exception 9(283). Exception 9(283) restricts the Deacur Worthington lands to be used for the purpose of a professional office within the existing building.

The “C7 Service Commercial Zone” permits service commercial uses including an automobile service station, automobile gas bar, and an eating establishment, convenience with drive-through. The following exceptions to Zoning By-law 1-88, specifically to the C7 Service Commercial Zone, are required to permit the gas station development:

Table 1 (Shell Canada)

	Zoning By-law 1-88 Standard	C7 Service Commercial Zone Requirements, subject to Site-Specific Exception 9(283)	Proposed Variances to the C7 Service Commercial Zone Requirements, subject to Site-Specific Exception 9(283)
a.	Minimum Front Yard Setback (Langstaff Road)	9 m	3.3 m
b.	Minimum Rear Yard Setback	22 m	7.8 m (South Property Line - Starbucks)
c.	Minimum Parking Requirements	• 37 spaces (Starbucks 163 m² @ 16 spaces/ 100 m² + Convenience Store 168 m² @ 6 spaces/ 100 m²)	• 21 spaces (Starbucks and Convenience Store 331 m²@ 6.3 spaces/ 100 m²)
d.	Minimum Landscape Strip	6 m	4.5 m (Dufferin Street) 3 m (Langstaff Road)

The Development Planning Department can support the proposed zoning exceptions. The proposed building setbacks and landscaping are appropriate for a gas bar development, facilitate proper on-site functioning of the use and provide an appropriate built form.

The Owner has submitted a Traffic Impact Study (July 2017 and an addendum letter dated September 21, 2018) which has been reviewed by the Transportation Division of the Development Engineering Department that concludes 21 parking spaces are adequate to accommodate the Development.

Table 2 for Deacur Worthington

	Zoning By-law 1-88 Standard	C1 Restricted Commercial Zone Requirements, subject to Site-Specific Exception 9(283)	Proposed Variances to the C1 Restricted Commercial Zone Requirements, subject to Site-Specific Exception 9(283)
a.	Driveway Width	6 m	3.37 m (east side) 3.16 m (west side) (Existing Building)
b.	Schedule E-287 (Attachment 10) to Exception 9(283)	Access 7.3 m (ingress and egress driveway), landscape strip and parking configuration shall be as shown on Schedule E-287	Access width 12.4 m, landscape strip and parking configuration shall be as shown on Attachment 3

The Development Planning Department can support the variances for the driveway widths abutting the existing building as they recognize an existing situation, as shown on Attachment 10. The existing office use is a converted house that is 164.6 m² in size and no changes to the building are proposed. The Transportation Division of the Development Engineering Department has no objection to this zoning exception.

Both Langstaff Road and Dufferin Street are major arterial regional roads where individual accesses are to be minimized. Shared/consolidated access driveways are encouraged by York Region and currently exist between the two properties. In order for Shell Canada to have access from Langstaff Road and meet York Region's requirements respecting the minimum distance from an intersection, the driveway must remain shared and be reconfigured on the Deacur Worthington property. The existing access to the Deacur Worthington Property has been relocated, widened and a median has been added to accommodate access to both properties.

The Office of the City Solicitor has confirmed that an access easement over the Deacur Worthington lands in favour of Shell Canada is registered on title however, may need to be updated to reflect the new driveway configuration. Shell Canada must successfully

obtain approval of a Consent Application from the Committee of Adjustment for an easement to reflect the final driveway location. In addition, each Owner shall successfully obtain approval of Consent Applications for the creation of servicing easements discussed later in this report. The Committee's decisions for the Consent applications shall be final and binding, and the Owners shall satisfy any conditions of approval imposed by the Committee.

Each Owner shall also successfully obtain approval of Minor Variance applications for the required site-specific exceptions to Zoning By-law 1-88 from the Committee of the Adjustment, as identified in Tables 1 and 2 of this report. The Committee's decisions regarding the Minor Variance applications shall be final and binding. Should the Site Development applications be approved, the Owner shall satisfy any conditions of approval imposed by the Committee prior to the execution of the implementing Site Plan Agreements.

Conditions to this effect are included in the Recommendations of this report.

The Development Planning Department supports the Development, subject to the Recommendations in this report

Site Plan

The Shell Canada property includes a gas bar with 12 gas pumps and service lanes covered by a canopy, a retail building (convenience store) and an eating establishment with a drive-through (Starbucks) and 21 parking spaces, including 2 barrier-free parking spaces, as shown on Attachments 3 to 10. The proposed site plan includes a right-in / right-out access driveway along Dufferin Street and a shared driveway access with the abutting property to the west (Deacur Worthington).

The Deacur Worthington site is developed with an existing dwelling converted to an office use with parking located adjacent to Langstaff Road (Attachment 10), however due to the proposed shared access, the existing parking lot is proposed to be reconfigured as shown on Attachment 3. The majority of the existing parking spaces will be relocated to the rear of the lot and three parking spaces will remain in the front yard.

Landscape Plan

The landscape plans for Shell Canada and Deacur Worthington as shown on Attachments 5 and 6, include a mix of coniferous and deciduous shrubs and deciduous trees. A gateway feature utilizing hard and soft landscaping and a decorative fence with masonry piers (on the private property) is proposed at the intersection of Langstaff Road and Dufferin Street. A portion of this feature (e.g. walkway) is located within York Region's right-of-way must be finalized to the satisfaction of the City of Vaughan and York Region. An encroachment permit from York Region is required for all landscape features located in York Region's right-of-way.

In accordance with the City's "Tree Protection Protocol", 52 replacement trees are required to be planted on the Shell Canada site. The proposed landscape plan includes 31 deciduous trees. To meet the City's tree replacement requirement, a cash-in-lieu payment for the remaining 21 replacement trees is required at a rate of \$550.00 per tree (total \$11,550.00). Similarly, 11 replacement trees are required to be planted on the Deacur Worthington site, whereas 3 deciduous trees are proposed on the site. To satisfy the City's requirement, a cash-in-lieu payment for 7 additional replacement trees at a rate of \$550.00 per tree (total \$3,850.00) is required. A provision to this effect will be included in the implementing Site Plan Agreements.

Building Elevations

Attachments 6 to 8 show the building elevations for the convenience store, gas bar canopy and the Starbucks with drive through. The convenience store and Starbucks buildings consist of a façade of red and grey-beige toned brick. The Shell Canada canopy utilizes Shell's corporate colours with yellow, white and red. No changes are proposed for the Deacur Worthington building.

Signage

Pylon signage, as shown on Attachment 9, is proposed adjacent to the site triangle at the northeast corner of the site (Attachment 3). Illuminated building signage is proposed along the wall facades and canopy, as shown on Attachments 6 to 8.

Minor revisions to enhance the landscape plan, landscape cost estimate, signage plan and lighting plan have been requested by the Development Planning Department. The Owner has worked with staff and has agreed to address these matters. The final site plan, building elevations, lighting plan, signage, landscape plan, and landscape cost estimate must be approved by the Development Planning Department. A condition to this effect is included in the Recommendations of this report.

The Development Engineering Department has no objection to the Development subject to the conditions in this report

The Development Engineering ('DE') Department has reviewed the Applications, and advised they have no objection to the Development subject to the conditions in the Recommendations section of this report. The DE Department has identified the following matters to be addressed prior to final approval and the execution of a Site Plan Agreements:

Municipal Servicing

Shared sanitary servicing is proposed for the Subject Lands via a Street connection from an existing sanitary sewer located on the east side of Dufferin within an existing residential subdivision (Yellowwood Circle).

Water Distribution

Water servicing is proposed for the Subject Lands via a new connection to an existing City of Vaughan owned watermain located within an existing easement just west of the Deacur property. The existing watermain and servicing easement is located within the property municipally known as 1641 Langstaff Road.

The proposed water service will travel through Deacur Worthington property via a private easement complete with a City Standard connection at the lot line between both Developments (Shell Canada and Deacur Worthington).

Storm Drainage

Stormwater servicing is proposed for the Subject Lands via a shared storm connection from the existing York Region catch basin on Langstaff Road to a proposed catch basin manhole which services both properties complete with internal stormwater controls, storm sewers, manholes and catch basins.

Erosion and Sediment Control

Erosion and sediment control mitigation measures shall be implemented during construction to minimize silt laden runoff and discharge from the Subject Lands in accordance with the "Erosion and Sediment Control Guidelines for Urban Construction (December 2006)".

Photometric Lighting Plan

The Owner is required to maintain a zero-cut-off light level distribution at the property lines.

Transportation

The proposed parking (21 spaces) for Shell Canada is adequate based on the supporting analysis provided in the Consultant's report. The proposed shared access requires approval by York Region.

Development Agreement

The Owner shall enter into a Development Agreement to facilitate the installation of the sanitary service connection across Dufferin Street to the existing residential development (Yellowwood Circle) and any other items the City deems necessary. A condition to this effect is included in the Recommendations of this report.

Servicing Agreement and Access Easements

The Owner shall prepare and register a reference plan at their expense for the creation of all proposed servicing (water, sanitary and storm) and updated access easements (including easement language) to the satisfaction of the DE Department. The Owner shall submit a draft reference plan to the DE Department for review prior to deposit. A mutual servicing agreement is also required between Shell Canada and Deacur

Worthington, proof of which shall be provided to DE Department prior to final approval. A condition is effect in the Recommendations of this report.

The Ministry of Environment, Conservation and Parks approval is required for the shared sanitary and storm servicing connections.

Lot Grading

The Owner is required to contact the Development Inspection and Lot Grading Division directly, upon receipt of Site Plan Approval, to arrange a pre-construction meeting and to coordinate works.

The DE Department shall approve the final stormwater management report, traffic impact study, site photometric plan, site servicing, site plan, site grading, site erosion and sediment control plan. A condition to this effect is included in the Recommendations of this report.

The Vaughan Public Works Department, Environmental Services Division has no object to the Development

The Vaughan Public Works Department must be contacted to purchase the required water meter, which shall be installed with sufficient read-out equipment and in advance of connecting to and/or disconnecting from any municipal services (including any required relocation works) to the satisfaction of the Environmental Services Division.

The Vaughan Environmental Services Department, Solid Waste Management Division has no objection to the Development

The Vaughan Environmental Services and Waste Management Department accepts the in-ground waste collection molok system. The Owner is responsible for waste collection pickup for the Development.

Development Charges are applicable to the Development

The Owner will be required to pay all applicable development charges in accordance with the development charges by-laws of the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board. A condition to this effect is included in the Recommendations of this report.

Cash-in-lieu of the dedication of parkland is required for the Development

The Office of the City Solicitor, Real Estate Department has advised that the Owner shall pay, to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the Subject Lands, prior to issuance of a Building Permit, in accordance with Section 42 of the Planning Act. The Owner shall submit an appraisal of the Subject Lands prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and

the approved appraisal shall form the basis of the cash-in-lieu payment. A standard clause to this effect will be included in the Site Plan Agreement, as indicated in the Recommendations of this report.

The Toronto and Region Conservation Authority (“TRCA”) has no objection to the Development

The Subject Lands are located within a Source Protection Plan (SPP) Recharge Management Area (WHPA-Q) governed by the Clean Water Act, 2006. The SPP policies came into effect on December 31, 2015, and require that any applications deemed complete prior to December 31, 2015, are considered exempt and are not required to meet the SPP policy requirements. Site Development File DA.15.077 (Shell Canada) was submitted on November 30, 2015 and deemed complete on December 16, 2015 prior the SPP policies coming into effect and therefore, do not apply to this application. Site Development File DA.18.098 (Deacur Worthington) was submitted on October 2, 2018 and is subject to the SPP policies.

The SPP requires Deacur Worthington to prepare a water balance study identifying this site meets post to pre-development requirements. The TRCA will review water balance study to ensure compliance with the SPP policy. Runoff volume reduction via evapotranspiration and/or rainwater harvesting or other low impact developments standards or additional mitigation measures should be explored to meet the WHPA-Q requirements. The Deacur Worthington lands shall satisfy all requirements of the TRCA including the WHPAQ. A condition to this effect is included in the Recommendations of this report.

The Ministry of Transportation (‘MTO’) has no objection to the Development

The MTO Highway Corridor Management Section has advised the Subject Lands are located within the MTO Permit Control Area, and therefore a MTO Building and Land Use Permit is required prior to the commencement of any site construction/works. The Applications are still under review by the MTO. The Owner must satisfy all requirements of the MTO prior to final approval. A condition to this effect is included in the Recommendations of this report.

Canada Post and Utility Companies have no objection to the Development

The Development has been reviewed by Canada Post and various utility companies, who advise they have no objection to the Development.

Financial Impact

N/A

Broader Regional Impacts/Considerations

York Region has no objection to the Development, subject to conditions

The Applications were circulated to York Region for review and approval. The York Region Community Planning and Development Services Department has no objection to the Applications, subject to the Owner satisfying York Region's conditions.

In coordination with the City, the daylight triangle streetscape treatment must be revised and an encroachment permit is required for all landscape features located within York Region's right-of-way to the satisfaction of York Region.

Prior to final approval, the Owner shall submit to the Regional Community Planning and Development Services Branch compensation in the form of a certified cheque made payable to the Regional Municipality of York totaling \$31,418.00 for trees identified for removal within York Region's right-of-way.

Prior to the execution of the Site Plan Agreements, each Owner will be required to satisfy all requirements of York Region. Conditions to this effect are included in the Recommendations of this report.

Conclusion

Site Development Files DA.15.077 (Shell Canada Inc.) and DA.18.098 (Deacur Worthington) have been reviewed in consideration of the policies of VOP 2010, the requirements of Zoning By-law 1-88, comments received from City Departments and external public agencies, and the surrounding area context. The Development shown on Attachments 3 to 10 conforms to VOP 2010, and the proposed gas bar use is permitted by Zoning By-law 1-88 and is appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of Site Development Files DA.15.077 and DA.18.098, subject to the Recommendations in this report.

For more information, please contact: Margaret Holyday, Planner, Development Planning Department, ext. 8216.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan - Shell Canada
5. Landscape Plan - Deacur Worthington
6. Building Elevations - Shell Canada (Convenience Store)
7. Elevations - Shell Canada (Canopy)
8. Building Elevations - Shell Canada (Starbucks with Drive-Through)

9. Pylon Sign for Shell Canada
10. Schedule E-287 to Exception 9(283)

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